

1 A RESOLUTION of the Common Council of
2 the City of Fort Wayne, Indiana, commenting
3 on Indiana Senate Bill 255 ("SB255") which
4 deals with special legislation radically
5 changing the Parks and Recreation Department
6 and the Board of Park Commissioners of the
7 City of Fort Wayne, Indiana

8 WHEREAS, cities in Indiana have been granted all
9 powers necessary to effectively govern their affairs, on a
10 local basis;

11 WHEREAS, such powers are found in "Home Rule,"
12 (Title 36 of the Indiana Code) which has been adopted by this
13 Council pursuant to General Ordinance No. G-23-82;

14 WHEREAS, the duty to govern and the obligation
15 to provide services to the public are the responsibilities of
16 local elected officials who answer directly to their constituents;

17 WHEREAS, the establishment of the departments of
18 the City is vested in the Common Council and the executive
19 pursuant to I.C. 36-4-9-4;

20 WHEREAS, the establishment of a Parks Board and
21 the selection of the statutory powers of a Parks Board are
22 determinations to be made by the legislative branch of a city;

23 WHEREAS, this Council, in General Ordinance No.
24 G-22-83, established the Parks and Recreation Department of the
25 City as a separate department, and further, the Council, in said
26 ordinance, adopted the provisions of I.C. 36-10-4-1 et.seq., as
27 to the powers of the Board of Park Commissioners;

28 WHEREAS, the City has presented to Council its
29 reorganization ordinance cited as Bill No. G-84-1-20;

30 WHEREAS, the Common Council is presently
31 deliberating with respect to the reorganization ordinance
32 and has held a public hearing as to same;

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7 WHEREAS, the reorganization ordinance, as
8 originally submitted, did not "contemplate" the abolition of
9 the Parks and Recreation Department as a separate department,
10 nor did it in any way interfere with the operation of I.C.
11 36-10-4-1 et. seq.;

12 WHEREAS, for purposes of clarification, and in
13 response to public concern and commentary, the reorganization
14 ordinance will be amended to include the following language:
15

16 (See attached amendments)
17

18 WHEREAS, SB255 has been proposed to the General
19 Assembly of the State of Indiana;

20 WHEREAS, SB255 is special legislation written
21 for Fort Wayne, and same has been written and submitted
22 without any public or local governmental input;

23 WHEREAS, SB255 would, if passed, eliminate any
24 and all Common Council input and oversight with respect to
25 the very existence and the operation of the Parks and
26 Recreation Department for this community;
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FOX RIVER BOND

1 WHEREAS, SB255 requires a complete and radical
2 change in the present framework of the operations of the Board
3 of Park Commissioners and the Department of Parks and Recreation,
4 in a manner inconsistent with Home Rule; all other communities
5 of this state; and with the past history of this community;

6 WHEREAS, SB255 contains numerous provisions that
7 require public and local governmental scrutiny and analysis,
8 and furthermore, SB255 fails to address many questions that
9 will come about upon passage. Some (but not all) of these
10 provisions or questions are:

11 1. Creation of a special taxing district detached
12 from and not answerable to the City, the Common Council, or the
13 voters of this community;

14 2. Creation of a special and additional municipal
15 corporation not answerable to, nor governed by, the voters of
16 this community;

17 3. Ability to exercise all park powers and
18 policies, including that of taxing, with no local, legislative,
19 or public oversight or input;

20 4. Requirement to transfer millions of dollars
21 of City property to an entity that has never before existed
22 anywhere in this state, such entity in no way subject to any
23 local governmental, local voter, or local legislative input
24 and/or oversight;

25 5. Ability to appropriate and spend money;

26 6. Vesting of "tenure" upon Park Commissioners;

27 7. What effects SB255 would have upon City
28 employees;

29 8. The Bill contains no mechanisms for the
30 transfer of City property;

31 FOX RIVER BOND

32 25% COTTON

1 9. The Bill contains no mechanisms for the
2 maintenance of park property;

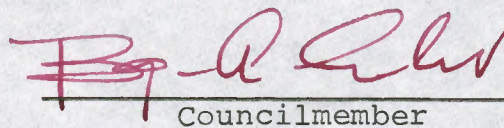
3 10. The Bill eliminates any cooperation between
4 local governments and the Parks and Recreation Department; and

5 11. The Bill references no plans or policies
6 concerning future operations of the Parks and Recreation Department.

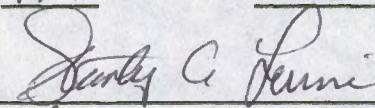
7 NOW THEREFORE BE IT RESOLVED BY THE COMMON COUNCIL
8 OF THE CITY OF FORT WAYNE, INDIANA:

9 SECTION 1: That the contemplated passage of
10 SB255 is premature in that such Bill has been written and
11 submitted without adequate input or consideration of the public
12 and private sectors of this community. To date, no opportunity
13 has been given to the public or private sectors to consider
14 the ramifications of this Bill and the drastic and radical
15 changes required by same. Consideration of this Bill should
16 be deferred until a later time so that thorough, accurate, and
17 adequate analysis and scrutiny may be given. The Common
18 Council urges our legislators not to consider this Bill at
19 this time.

20 SECTION 2: This Resolution shall be in full
21 force and effect upon passage and approval by the Mayor.

22
23 
24 _____
25 Councilmember

25 APPROVED AS TO FORM AND LEGALITY
26 THIS 14th DAY OF FEB., 1984.

27 
28 _____
29 ATTY. FOR COMMON COUNCIL

AMENDMENT TO REORGANIZATION ORDINANCE

The Reorganization Ordinance is amended by adding thereto a new Section 7. Thus, the present Section 7 shall become Section 8. The new Section 7 shall read as follows:

"This Ordinance does not abrogate nor, in any fashion, limit any existing or future collective bargaining agreements entered into by the City and any labor organizations."

1 AMENDMENT TO BILL NO. G-84-1-20

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4 Section 2. C is amended so that lines 13, 14, and 15, Page
5 Three of the Ordinance, reads as follows:
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7 Line 13 and aviation; and the coordination of municipal
8 Line 14 services with community organizations.
9 (omitting the words "parks and recreation")
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12 Page Four, Section 2. G is amended to read as follows:
13 Deleting present Paragraph G. and substituting therefor:
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15 G. A Division of Public Parks headed by a Director
16 of Public Parks. This Division shall perform those
17 duties, functions and obligations as required, and/or
18 allowed, by state statute and ordinance and those
19 duties, functions and obligations, otherwise assigned
20 from time including, but not limited to those powers
21 given to the Department of Public Parks as a separate
22 department of the City pursuant to I. C. 36-10-4,
23 et seq., as adopted pursuant to General Ordinance
24 No. G-22-83. Not by way of limitation this division
25 shall be responsible for all parks and recreation
26 activities of the City.
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29 Adding a new paragraph H to read as follows:

30 H. A Division known as the Executive Office of the
31 Mayor, headed by a Director of Staff. This Division
32 shall perform those duties as required to develop

1 Page Two

2
3 administration policy in response to community need.
4 This Division shall include management and budget
5 analysis, community relations, public information,
6 and supportive executive staff of the Mayor and the
7 Mayor's office. In addition, the Corporation Counsel
8 (City Attorney) and his staff shall be part of the
9 Executive Office of the Mayor, reporting directly to
10 the Mayor.

11 (being Paragraph G. of the original ordinance)

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14 The ordinance shall be further amended by adding, at the
15 end of Section 2, the following language:

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17 It is recognized that the appointment of division
18 (department) heads shall be subject to the terms of I.C. 36-4-9-2.
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Amendment submitted by Ben Eisbart

1 AMENDMENT TO BILL NO. G-84-1-20

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6 Section 2. D is hereby amended so that lines 16 and 17,
7 Page Three of the ordinance, read as follows:

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9 Division of Community Development and Planning headed
10 by a Director of Community Development and Planning.
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Amendment submitted by Administration

Read the first time in full and on motion by _____,
seconded by _____, and duly adopted, read the second time
by title and referred to the Committee _____ (and the City
Plan Commission for recommendation) and Public Hearing to be held after
due legal notice, at the Council Chambers, City-County Building, Fort Wayne,
Indiana, on _____, the _____ day of _____,
19 _____, at _____ o'clock _____ .M., E.S.T.

DATE: _____

SANDRA E. KENNEDY, CITY CLERK

Read the third time in full and on motion by Stier,
seconded by Stier, and duly adopted, placed on its
passage. PASSED (~~LOST~~) by the following vote:

	<u>AYES</u>	<u>NAYS</u>	<u>ABSTAINED</u>	<u>ABSENT</u>	<u>TO-WIT:</u>
<u>TOTAL VOTES</u>	<u>7</u>	_____	<u>2</u>	_____	_____
<u>BRADBURY</u>	<u>✓</u>	_____	_____	_____	_____
<u>BURNS</u>	_____	_____	<u>✓</u>	_____	_____
<u>EISBART</u>	<u>✓</u>	_____	_____	_____	_____
<u>GIAQUINTA</u>	<u>✓</u>	_____	_____	_____	_____
<u>HENRY</u>	<u>✓</u>	_____	_____	_____	_____
<u>REDD</u>	<u>✓</u>	_____	_____	_____	_____
<u>SCHMIDT</u>	_____	_____	<u>✓</u>	_____	_____
<u>STIER</u>	<u>✓</u>	_____	_____	_____	_____
<u>TALARICO</u>	<u>✓</u>	_____	_____	_____	_____

DATE: 2-14-84

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Passed and adopted by the Common Council of the City of Fort
Wayne, Indiana, as (~~ANNEXATION~~) (~~APPROPRIATION~~) (~~GENERAL~~)

(~~SPECIAL~~) (~~ZONING MAP~~) ORDINANCE (RESOLUTION) NO. B-15-84

on the 14th day of February, 19 84,

ATTEST:

(SEAL)

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Ray A. Ebert
PRESIDING OFFICER

Presented by me to the Mayor of the City of Fort Wayne, Indiana,
on the 15th day of February, 19 84,
at the hour of 2:00 o'clock P. .M., E.S.T.

Sandra E. Kennedy
SANDRA E. KENNEDY, CITY CLERK

Approved and signed by me this 21st day of February,
19 84, at the hour of 1 o'clock P. .M., E.S.T.

Win Moses, Jr.
WIN MOSES, JR., MAYOR

~~Amending~~ amendment

DIGEST

Committee report for Senate Bill 255, prepared for House Urban Affairs.

Delete the title and insert the following:

A BILL FOR AN ACT to amend the Indiana Code concerning parks.

Page 1, between the enacting clause and line 1, begin a new paragraph and insert the following:

"SECTION 1. IC 36-10-4.5 is added to the Indiana Code as a NEW chapter to read as follows:

Chapter 4.5. Fort Wayne Park Commission.

Sec. 1. This chapter applies to each second class city located in a county having a population of not less than two hundred fifty thousand (250,000) and not more than five hundred thousand (500,000).

Sec. 2. As used in this chapter:

"Board" refers to a board of park commissioners.

"City" refers to a city to which this chapter applies.

"Commission" refers to a park commission created under this chapter.

Sec. 3. (a) In each city there is established a park commission to maintain and operate public parks and recreation facilities and programs within the city.

(b) The commission is a separate municipal corporation to be known by the name of "The _____ (name of city) ^{Independent} Park Commission".

(c) The commission has jurisdiction over a district having boundaries coterminous with the corporate boundaries of the city and any additional territory included under section ~~12~~¹³ of this chapter.

Sec. 4. (a) The commission consists of the following appointed members:

✓ (1) Two (2) members appointed by the executive of the city.

(2) Two (2) members appointed jointly by the executives of all the townships any part of which are located in the city.

(3) Two (2) members appointed by the executive of the county where the city is located from among members of the county park board who live within the city.

(b) Initial appointments to a commission are as follows:

(1) The city executive's appointments are for one (1) and three (3) year terms, respectively.

(2) The township executives' appointments are for two (2) year terms.

(3) The county executive's appointments are for two (2) and four (4) year terms, respectively.

As a term expires, each new appointment is for a four (4) year term. All terms expire on the first Monday in January, but a member continues in office until his successor is appointed.

(c) An appointing authority shall make initial appointments within ninety (90) days after the creation of the commission.

(d) If an appointment for any new term is not made by the first Monday in April, the incumbent shall serve another term.

(e) In making initial appointments under this section, an appointing authority, in order to provide continuity of experience and programs, shall give special consideration to the appointment of members from previous park or recreation boards.

(f) If a vacancy on the commission occurs, the appointing authority shall appoint a person to serve for the remainder of the unexpired term.

Sec. 5. A member of the commission may be removed only for cause, upon specific written charges filed against him. The charges shall be filed with and heard by the appointing authority, unless the appointing authority is bringing the charges. If the appointing authority is bringing the charges, the county executive shall appoint a hearing officer. The person to hear the charges shall fix a date for a public hearing and give public notice at least ten (10) days in advance of the hearing. At the hearing the member is entitled to present evidence and argument and to be represented by counsel.

Sec. 6. (a) The commission shall elect, at its first regular meeting annually, one (1) of its members president, and another of its members vice president, who shall perform the duties of the president during the absence of or disability of the president. The commission shall keep a suitable office where its maps, plans, documents, records, and accounts shall be kept, subject to public inspection at all reasonable times.

(b) The commission shall provide by rule for regular meetings to be held not less than at quarterly intervals throughout the year.

(c) The commission shall convene in a special meeting when one is called. The president or a majority of the members of the commission may call a special meeting. The commission shall establish by rule a procedure for calling special meetings.

(d) Meetings shall be held at the office of the commission, except that public hearings and similar meetings for which the office facilities are inadequate may be held at another public place in the county that is designated by the commission. The commission may adjourn any regular or special meeting to a specific day designated at the time of adjournment, and that meeting is a continuation of the meeting so adjourned.

(e) A majority of the members of the commission constitutes a quorum for a meeting. The commission may act officially by an affirmative vote of a majority of those present at the meeting at which the action is taken.

(f) The commission shall keep a written record of its proceedings. The commission shall record the aye and nay tally of the vote for each ordinance or resolution.

(g) The commission shall adopt a system of rules of procedure under which its meetings are to be held. The commission may suspend the rules of procedure by unanimous vote of the members of the commission who are present at the meeting.

1 The commission may not suspend the rules of procedure beyond the duration of the
2 meeting at which the suspension of rules occurs.

3 (h) The commission may establish an executive committee of not less than three
4 (3) persons appointed by the commission from its membership. The establishment of
5 the executive committee, the naming of its individual members, and the adoption of
6 rules governing its operation requires a two-thirds (2/3) majority vote of the
7 entire membership of the commission. A majority of the executive committee may
8 act in the name of the commission; but if there are any dissenting votes, a person
9 voting in the minority may appeal the decision of the executive committee to the
10 commission.

11 Sec. 7. (a) A member of the commission may introduce a draft of a proposed
12 ordinance at a meeting of the commission. A person who introduces a draft shall
13 provide at the time of introduction a written copy of the draft. The commission
14 shall assign to each draft a distinguishing number and the date when introduced.

15 (b) Not more than seven (7) days after the introduction of a draft of an
16 ordinance nor less than seven (7) days before the final passage of a draft of an
17 ordinance, the commission shall publish a notice that the proposed ordinance is
18 pending final action by the commission. The notice shall be published in the
19 county in accordance with IC 5-3-1. Notice of an ordinance establishing a budget
20 must be in accordance with IC 6-1.1-17.

21 (c) The commission shall include in the notice reference to the subject matter
22 of the proposed ordinance and the time and place a hearing will be had and shall
23 indicate that the proposed ordinance is available for public inspection at the
24 office of the commission. The commission may include in one (1) notice a reference
25 to the subject matter of each draft that is pending and for which notice has not
26 already been given.

27 (d) An ordinance is not invalid because the reference to the subject matter of
28 the draft was inadequate if it was sufficient to advise the public of the general
29 subject matter of the proposed ordinance.

30 (e) The commission shall, not later than the date of notice, place five (5)
31 copies of the proposed draft on file in the office of the commission for public
32 inspection.

33 (f) At a meeting for which notice has been given as required by this section,
34 the commission may take final action on the proposed ordinance or may postpone
35 final consideration of it to a designated meeting in the future without giving
36 additional notice.

37 Sec. 8. (a) Before adopting an ordinance, the commission must give an
38 opportunity to persons present at the meeting to give testimony, evidence, or
39 argument for or against the proposed ordinance in person or by counsel, under
40 reasonable rules as to the number of persons who may be heard and time limits that
41 the commission adopts.

42 (b) When an ordinance is adopted, the commission shall also designate the
43 effective date of the ordinance. If the commission fails to designate the
44 effective date of the ordinance in the record of the proceedings of the commission,
45 the ordinance takes effect on the fourteenth day after its passage.

46 (c) When the commission adopts an ordinance, the commission shall have copies
47 of it made available to the public.

48 (d) The commission may provide for the printing of the ordinances of the

commission in pamphlet form or in bound volumes and may distribute them without charge, or may charge the cost of printing and distribution.

Sec. 9. The commission has all of the powers of a board under the following:

(1) IC 36-10-4-11(a), IC 36-10-4-11(d), and IC 36-10-4-11(e),

(2) IC 36-10-4-12.

(3) IC 36-10-4-14, except that the commission may bring an action in its own name.

(4) IC 36-10-4-15.

(5) IC 36-10-4-17.

(6) IC 36-10-4-19, except that the commission shall acquire the land in its own name.

(7) IC 36-10-4-20, except that the property may be granted, devised, leased, bequeathed, or conveyed to the commission and the commission may take and hold the property in trust.

(8) IC 36-10-4-21, except that the power of eminent domain may be exercised within the district of the commission, and benefits may not be assessed.

(9) IC 36-10-4-22.

(10) IC 36-10-4-23.

(11) IC 36-10-4-24.

(12) IC 36-10-4-25, except that under subsection (g) the land shall be paid for from the sale of bonds or from commission funds, under subsection (i) title to the land vests with the commission when purchased, and under subsection (j) a person owning real or personal property located within the district may remonstrate.

(13) IC 36-10-4-26, except that under subsection (b) payments are derived from commission funds or proceeds of bonds, and under subsection (c) only the provisions in the first two (2) sentences are applicable.

(14) IC 36-10-4-35, except that bonds are issued in the name of the commission, subsection (b) is not applicable, the bonds do not need to be approved by the city under subsection (d), the bonds are prepared by the commission, delivery under subsection (g) is by the commission, subsections (h) and (j) are not applicable, and under subsection (i) the bonds are an obligation of the commission.

(15) IC 36-10-4-36, except that the commission shall adopt the ordinance.

(16) IC 36-10-4-37, except that the fund shall be deposited with other funds of the commission.

(17) IC 36-10-4-38, except that the fund shall be deposited with other funds of the commission.

(18) IC 36-10-4-39, except that payment shall be derived from the sale of bonds or other commission funds.

Sec. 10. (a) The commission has exclusive control of all property within its district that is used for park purposes.

(b) In addition, the part of all public ways that pass through park property is considered to be a part of this property and is also under the control of the commission.

Sec. 11. The commission may do the following:

(1) Acquire, lay out, and improve land for park purposes within its district and may equip, operate, maintain, and regulate the public use of that

property.

(2) Appoint a secretary, and, in his absence a secretary pro tempore, landscape architects, engineers, surveyors, attorneys, clerks, guards, laborers, playground directors, and other employees, prescribe their duties and authority, and fix their compensation.

(3) Make rules for the management of the property under its control.

(4) Require the police department of the city to detail police officers to execute the orders and enforce the rules made by the commission and to be subject to the commission, with the city executive deciding any disagreement between the commission and the police department as to the number and duration of the details of police officers.

(5) Locate, erect, and maintain fountains in parks, as well as in the public ways that form the boundaries of parks or intersect with them.

(6) Erect and maintain suitable fences around parks.

(7) Seize and impound animals found running at large in any of the parks, including establishing suitable places for the impounding.

(8) Lease or sell any buildings, grounds, materials, equipment, or any parts of them owned by the commission and that the commission determines are not required for park purposes. All sums realized from the lease, sale, or other disposition of property shall be deposited in the treasury of the commission and expended for park purposes. All buildings and structures erected upon land under the control of the commission are under the control of the commission, and the commission may not permit the erection of any building or structure upon land unless it becomes the property of the commission. A lease or sale of minerals, mineral rights, or royalties for minerals for more than one (1) year from land owned by the commission may be made only to the highest and best bidder after notice of the sale or lease has been given by publication in accordance with IC 5-3-1.

(9) Vacate public ways, or parts of them, on land under the control of the commission in the same manner as the city may vacate them.

(10) Take over and control public ways, or parts of them, within the commission's jurisdiction and convert them into boulevards or pleasure driveways if they connect with or run into or through a park, parkway, or boulevard or are necessary for the establishment of a park or boulevard system in the district, including grading, improving, and beautifying them and relinquishing to the city the control of a public way or parkway in streets taken over that are not necessary or desirable for maintenance as part of the park system of the commission.

(11) Petition the proper board of the city to construct any necessary drainage or sanitary sewers and connections in a public way or parkway bordering park property and require a public service corporation to lay, install, and connect water and gas mains and electric light conduits in and along a boulevard or park drive when reasonably necessary.

Sec. 12. (a) The district of the commission comprises a taxing district for the purpose of levying taxes for park and recreational purposes. The commission shall annually prepare a budget for the purpose of operating and maintenance expenditures of the commission and shall compute the tax levy necessary to provide money for the operating expenditures necessary to carry out the powers, duties, and

1 functions of the commission. The budget must be prepared and submitted at the same
2 time and in the same manner and with notice as provided by the statutes relating to
3 the preparation of budgets by counties. The budget is subject to the same review
4 by the county tax adjustment board and the state board of tax commissioners as
5 exists under the general statutes relating to budgets of counties.

6 (b) The tax levy as finally approved by the state board of tax commissioners
7 shall be assessed and collected by the county treasurer as other taxes are levied
8 and collected. The county treasurer shall remit all taxes so collected to the
9 commission.

10 Sec. 13. (a) The commission may adopt an ordinance to extend the boundaries of
11 its district to the boundaries of the townships that comprise any part of the
12 city. However, the commission may not expand the boundaries to include a township
13 that is currently being served by a municipality that extended park and recreation
14 service under IC 36-10-3-33. Notice of adoption of the ordinance shall be given in
15 accordance with IC 5-3-1.

16 (b) Whenever the commission has adopted an ordinance under subsection (a),
17 remonstrances may be filed by the affected voters within ninety (90) days after the
18 last publication under subsection (a). Remonstrances must be signed in ink by the
19 voter in person and state the address of each signer and that the signer is a
20 registered voter. A person who signs a remonstrance when he is not a registered
21 voter commits a Class D felony. More than one (1) voter may sign the same
22 remonstrance.

23 (c) A referendum shall be held if five percent (5%) or more of the registered
24 voters of the affected area file remonstrances under subsection (b) with the county
25 clerk protesting the extension of the district.

26 (d) The county clerk shall certify to the county auditor whether or not five
27 percent (5%) or more of the registered voters of the affected area have filed
28 remonstrances. If sufficient remonstrances have been filed, the auditor shall
29 publish a notice of the election in accordance with IC 5-3-1, with the first
30 publication to be at least thirty (30) days before the date of the election. The
31 question presented to the voters at the election must be in substantially the
32 following form:

33 "For the extension of park services"

34 "Against the extension of park services"

35 The election is governed by the general election statutes whenever applicable and
36 not in conflict with this chapter. The county election officials shall act as
37 election officials for the referendum and shall make a return of the votes cast at
38 the referendum.

39 (e) If a majority of the votes cast are against the extension of park services,
40 then they are not extended. If sufficient remonstrances are not filed or if a
41 majority of the votes cast support the extension of the services, they are
42 extended.

43 (f) The extension of services is effective on January 1 of the year following
44 the adoption of the ordinance or, if an election is held, on January 1 of the year
45 following the date of the election.

46 Sec. 14. (a) The department of public parks and the board of park
47 commissioners or any other entity controlling the park matters of a city to which
48 this chapter applies are abolished and all rights, responsibilities, and control

1 with respect to park and recreation matters for the city are transferred to and
2 vested in the commission created by this chapter.

3 (b) All real and personal property (including any facilities, money,
4 structures, and other assets, and any licenses and permits) formerly controlled or
5 owned by the former department or its board is also transferred to the management,
6 control, and ownership of the commission created by this chapter.

7 (c) All obligations (including any debts or other transactions for which the
8 former department is liable) are also transferred to and become obligations of the
9 commission created by this chapter.

10 (d) In any litigation pending on the date of transfer under this section, the
11 commission created by this chapter is substituted as a party for the department of
12 public parks, the board of park commissioners, or any other entity controlling park
13 matters in the city.

14 (e) On the date of transfer under this section, a city to which this chapter
15 applies shall transfer to a park commission created by this chapter all
16 appropriations for that calendar year by the city for park and recreation purposes
17 minus any amounts already expended for park and recreation purposes in that
18 calendar year."

19 Page 1, line 1, delete "SECTION 1" and insert in roman "SECTION 2".

20 Page 1, line 7, strike "with the".

21 Page 1, line 7, delete "authorized" and insert in bold "subject to approval by
22 resolution".

23 Page 1, line 8, delete "formal approval".

24 Page 2, line 29, strike "and" and insert in bold "subject to approval by
25 resolution of the".

26 Page 2, line 29, after "legislative body" insert in bold ",".

27 Page 2, line 30, after "executive" insert in bold "subject to approval by
28 resolution of the legislative body,".

29 Page 2, line 32, strike "by the executive and".

30 Page 2, line 33, strike "legislative body".

31 Page 2, line 33, strike "general" and insert in bold "park and recreation".

32 Page 2, line 35, strike "and" and insert in bold "subject to approval by
33 resolution of the".

34 Page 2, line 35, after "legislative body" insert in bold ",".

35 Page 2, line 35, strike "their" and insert in bold "its".

36 Page 2, line 43, strike "general" and insert in bold "park and recreation".

37 Page 3, line 26, after "municipalities." begin a new paragraph and insert in
38 bold the following:

39 "(i) There is established a special nonreverting operating fund for park
40 purposes to be known as the park and recreation fund. Expenditures may be made
41 from the fund by the township's legislative body for park purposes only."

42 Page 3, line 28, strike "general" and insert in bold "park and recreation".

43 Page 3, line 29, strike "township".

44 Page 3, after line 30, begin a new paragraph and insert in bold the following:

45 "(j) Money in the form of fees procured from golf courses, swimming pools,
46 skating rinks, or other similar facilities requiring major expenditures for
47 maintenance and improvement shall be deposited in the park and recreation fund and
48 shall be appropriated by the township legislative body either in the annual budget

1 or by additional appropriation in the manner as set out in IC 6-1.1-18-5."

2 Page 3, after line 30, begin a new paragraph and insert in roman the following:

3 "SECTION 3. (a) For purposes of determining the maximum permissible ad valorem
4 property tax levy for the 1985 calendar year for a second class city located in a
5 county with a population of not less than two hundred fifty thousand (250,000) and
6 not more than five hundred thousand (500,000), that city's maximum permissible ad
7 valorem property tax levy for the 1984 calendar year equals the remainder of:

8 (1) that city's maximum permissible ad valorem property tax levy for the 1984
9 calendar year as determined under IC 6-1.1-18.5-1; minus

10 (2) the property taxes imposed by that city for park purposes and that were
11 first due and payable during the 1984 calendar year.

12 (b) This SECTION expires January 1, 1986.

13 SECTION 4. On April 1, 1984, a second class city located in a county having a
14 population of not less than two hundred fifty thousand (250,000) and not more than
15 five hundred thousand (500,000) shall transfer to a park commission created by
16 SECTION 1 of this act the amount appropriated for the calendar year 1984 by the
17 city for park and recreation purposes minus any amounts already expended for park
18 and recreation purposes in the calendar year 1984 before April 1, 1984.

19 SECTION 5. (a) A park commission created by this act may not adopt an
20 ordinance under IC 36-10-4.5-13 before April 1, 1985.

21 (b) This SECTION expires April 2, 1985.

22 SECTION 6. Because an emergency exists, SECTIONS 1, 3, and 5 of this act take
23 effect April 1, 1984."

24 (Reference is to SB 255 as reprinted January 27, 1984.)

1 WHEREAS, the reorganization ordinance, as originally
2 submitted, did not "contemplate" the abolition of the Parks and
3 Recreation Department as a separate department, nor did it in any
4 way interfere with the operation of I.C. 36-10-4-1 et.seq.;

5 WHEREAS, for purposes of clarification, and in
6 response to public concern and commentary, the reorganization
7 ordinance will be amended to include the following language:

8 "The Department of Parks and Recrea-
9 tion operates pursuant to I.C.
10 36-10-4 et.seq., and further operates
11 as a separate department of this City
12 pursuant to General Ordinance No.
13 G-22-83, as passed by the Common
14 Council on August 23, 1983, and
15 signed by the Mayor on August 24,
16 1983. This ordinance does not, in
17 any fashion, limit those powers
18 given to the Board of Park Commis-
19 sioners and the Department of Public
20 Parks in I.C. 36-10-4 et.seq., nor
21 does this ordinance in any way
22 interfere with the operation of
23 the Department of Parks and Recrea-
24 tion as a separate City department
25 as codified in General Ordinance
26 No. G-22-83. Rather, for organiza-
27 tional purposes, Parks and Recreation
28 is listed hereunder in this Section
29 2-3."

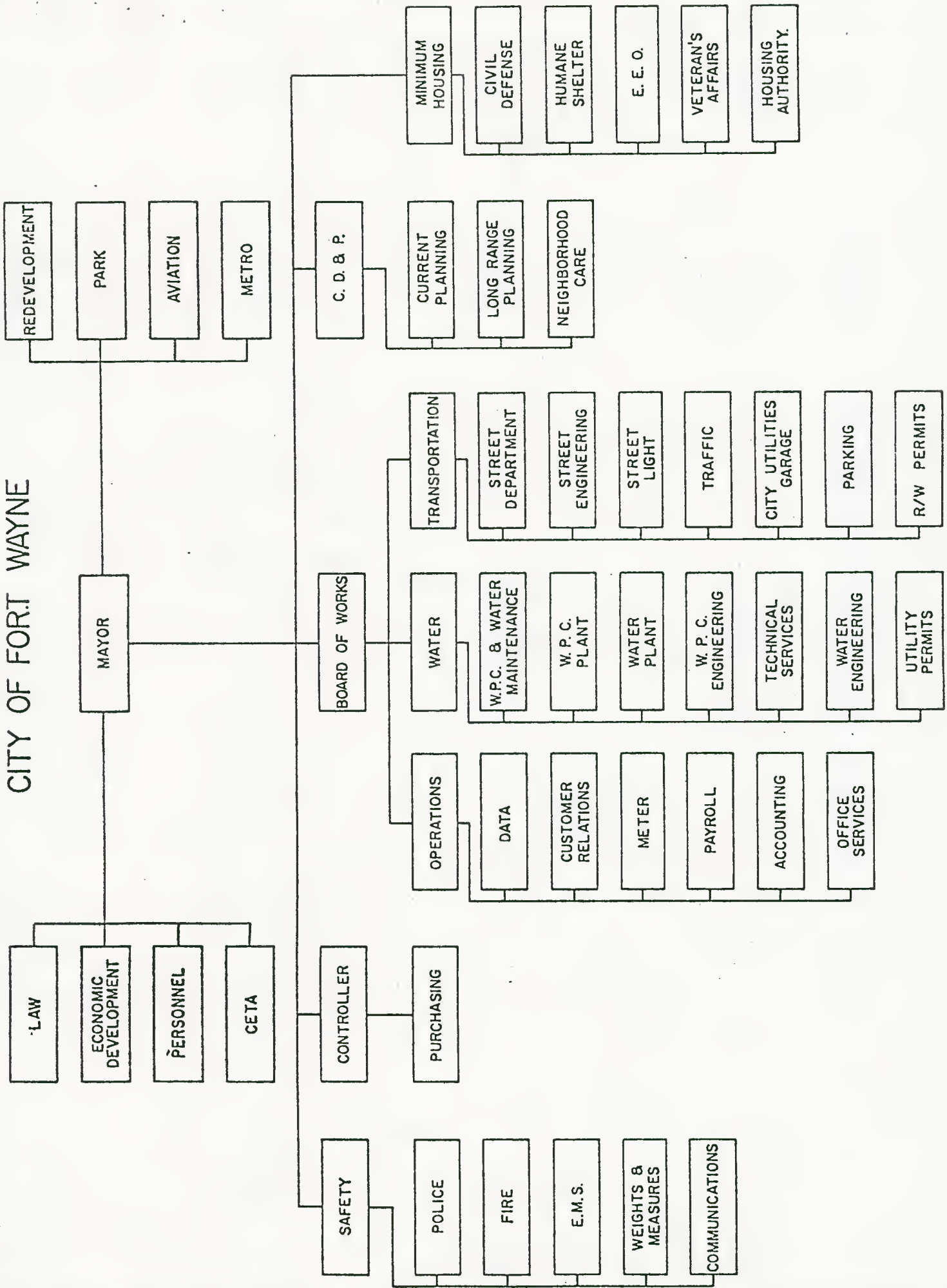
(see attached)
amendments

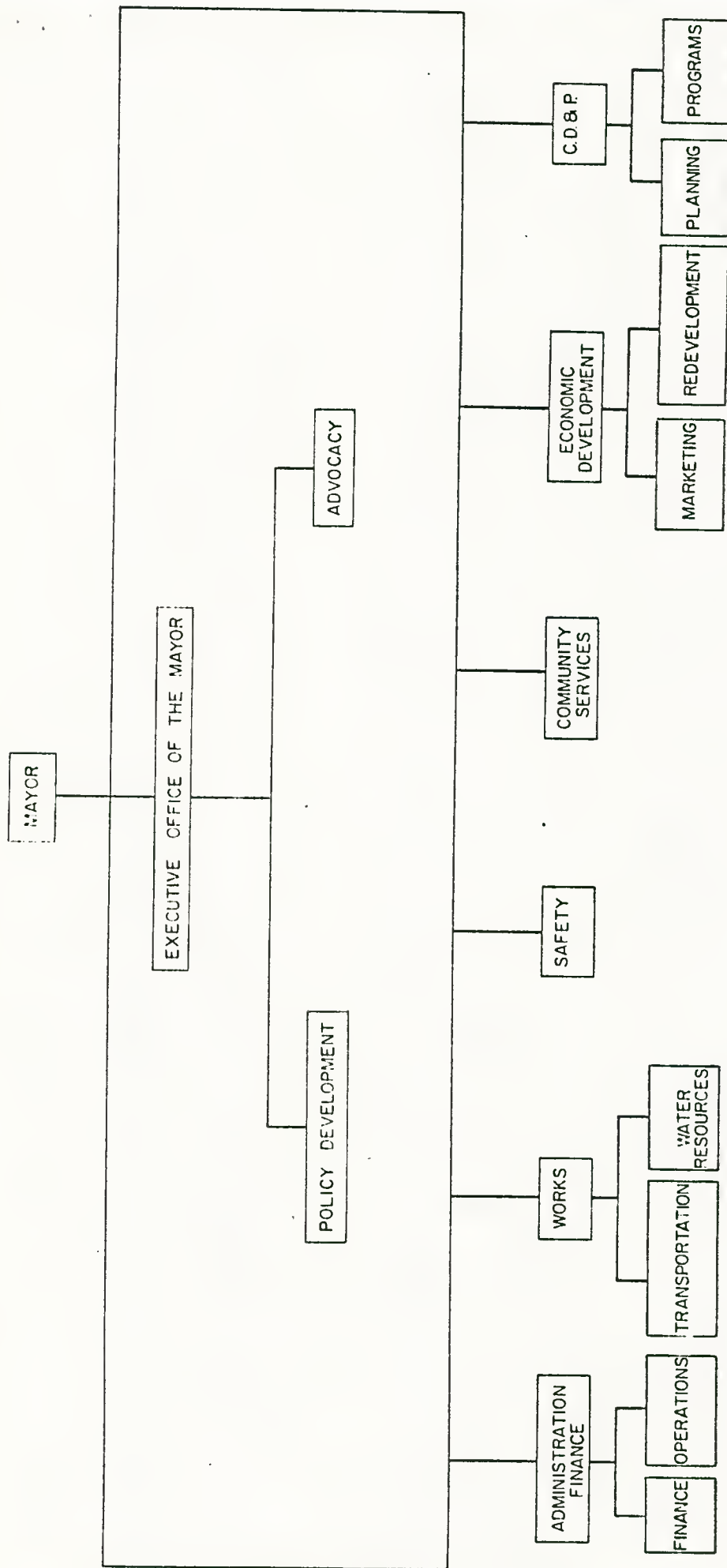
30 WHEREAS, SB255 has been proposed to the General
31 Assembly of the State of Indiana;

32 WHEREAS, SB255 is special legislation written
for Fort Wayne, and same has been written and submitted
without any public or local governmental input;

 WHEREAS, SB255 would, if passed, eliminate any
and all Common Council input and oversight with respect to
the very existence and the operation of the Parks and
Recreation Department for this community;

CITY OF FORT WAYNE





THE DIVISION HEAD

IN CITY REORGANIZATION

The pending reorganization of city government will improve administrative control of taxpayer dollars. It will change the way policy is implemented, not the way policy is made.

The mayor, the various boards and commissions, and the Common Council will continue to make policy and budget decisions as they always have. The Board of Aviation will make decisions about the airport. The Park Board will make decisions about the parks. Then, the six division heads will ensure that those decisions are implemented in the most cost-effective way possible, while ensuring compliance with city-wide policies on planning, personnel, purchasing, financing, etc.

* The division head will report to and be responsible to the mayor, city council, and--in many cases--various boards and commissions. Each division head will work with the key managers in the division to develop long range plans, annual work programs, and budget requests to implement the policies and programs established by city executives, legislators, and board and commission members.

*The division head will oversee accounting and financial documentation, approve expenditures, participate in labor negotiations, evaluate personnel, and improve productivity within each division.

*The division head will also ensure day-to-day compliance with the Comprehensive Plan, equal employment opportunity, minority business participation, environmental standards, citizen participation, and utility rate and tax controls.

In no instance will the division head assume the policy-making and budget authority now exercised by a board, commission, the mayor, or the city council.

DIVISION ORGANIZATION

ORGANIZATIONAL OBJECTIVES:

1. Reduce managers directly responsible to the Mayor to 6 to 8.
This is a responsible span of control.
2. Create an organization which encourages departments with complimentary functions to develop compatible operating plans.
3. Clarify lines of responsibility for middle managers.
4. Reduce the dependence of operations managers on administrative agencies.
5. Encourage divisions to operate as entrepreneurial, achievement-oriented agencies by minimizing opportunity for finger-pointing and using a system of goal oriented accountability.
6. Minimize departmental isolation syndrome by insuring that all departments are part of a larger whole.
7. At the Division level, managers would function as chief operating officers with sole responsibility for achieving division goals and with major responsibility for setting goals.
8. At the agency level managers will work with the Division Head to set goals and also have wide-ranging live management responsibilities.
9. At the department level, managers will function purely as operational supervisors.

RELATIONSHIPS OF BOARDS & COMMISSIONS IN RE-ORGANIZATION

1. Each Board and Commission is reconfirmed in Section 3.
2. Each Board and Commission will continue to exercise its statutory and traditional roles for policy making, supervision and oversight.
3. The Boards and Commissions will still approve their Director as provided for in the statutes.
4. The role of the Division Head to the Boards and Commissions is one of facilitator. He or she has the responsibility to insure that every Board and Commission is kept fully informed regarding activities of closely associated departments. It is the responsibility of the Division Head to present the Boards and Commissions with the major policy plans and capital projects of the City in order to co-ordinate their participation and support where needed.
5. The level of day-to-day administrative interaction (e.g. procurement, personnel recruitment, office automation, central clerical) will be at the mutual agreement of the Board or Commission and Division Head.
6. The building of these relationships and co-ordination is not expected to be immediate or automatic. We expect that these roles will evolve over a period of time as each party develops a closer sense of mutual purpose and perceives opportunities for improvement through co-operation.
7. Boards and Commissions are seen to have a major role in enabling broad citizen participation in planning and policy making.
8. Each Board and Commission, in addition to being responsible for approving its own department's annual work plan, is invited to participate in developing a realistic work plan for the whole division.

ANNUAL WORK PLAN DEVELOPMENT

JANUARY	Should be utilized to update the city's data basis with year end information, and use the data basis to review the business plan and modify it in accordance with the results of the year just ended.
FEBRUARY/MARCH	Should be a period for each division to produce a new one-year business plan for the next year.
APRIL	Should be time for the Mayors office and each division to agree upon the following year's business plan.
MAY	Should be an opportunity for the business plans to be transformed into a budget.
JUNE	Should be the time for the administration division to review the budget, prepare its own plan and its own budget.
JULY/AUGUST	Should be used to seek approval of the budget for next year, and put in place any necessary administrative changes in preparation for next years business plan activity.
SEPT/OCTOBER	Should be an opportunity to review the 5-year business plan in light of circumstances up to that time.
NOV/DECEMBER	Should be time for producing the year-end update at the division level.

City Council Hearing on Reorganization Bill No. G-84-1-20

I am Ethyle R. Bloch, a citizen in the 5th Councilmanic District. I speak for myself but also endorse the statement of Tom Dustin, the Environmental Affairs person for the Indiana Division IWLA, which I head as President.

Good, thorough reorganization is good for any government, so I am not opposed to reorganization per se. However I am opposed to the passage of this Reorganization Bill because:

1) This Bill has appeared all too rapidly giving citizens the impression that the Bill is being "railroaded" through Council. The Council has not had ample time to thoroughly study this Bill and examine its impact on the function of Fort Wayne government. This Ordinance should be put on the back burner until every Council person has examined it completely.

2) Economic development is foremost in the Administration's business and concern to bring in industry to create jobs. Now all of a sudden to fire 200 employees without an exact cause does not help the economy of this city; and could hinder the functions these people do.

3) The most frightening aspect of this Reorganization Bill is the fate of the City Park Department, a Department that has given and maintained a high quality rating throughout the U.S. To change this Department is to manhandle an agency that is functioning to the citizens' satisfaction. We love our parks; we enjoy our parks; we use our parks. To change and lessen the authority and dignity of the Fort Wayne Park Department is to lose the image and title of "The All American City".

4) Finally, do not do to us as the State Highway Department personnel did to some 700 citizens who appeared to oppose the SE By-pass when only 12 people spoke in opposition but the remainder were also opposed. The Highway personnel only considered that just 12 people were against the By-pass. Not everyone here tonight has spoken or will speak but they came to lend support to those who did speak out for the Park Department. I request that you record everyone here for the Park's safe future in opposition to this Reorganization Ordinance.

Ethyle R. Bloch

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Ethyle R. Bloch

CITY REORGANIZATION AFFECTS PARK INTEGRITY

Summary of Ordinance G-84-1-20

A general ordinance regarding the reorganization of city government has been submitted to the Fort Wayne Common Council. A public hearing is to be held on Tuesday, February 7, and a formal vote will be taken on Tuesday, February 14.

What does this ordinance do?

This ordinance reorganizes city government into six divisions composed of related departments, e.g. the Division of Administration and Finance is responsible for all fiscal, contract compliance functions, personnel, labor, data processing, purchasing and utility administration functions of the City.

We agree that this concept of reorganization can lead to greater efficiency and better use of limited city resources. We disagree with the inclusion of the independent Parks and Recreation Department in this plan.

What is wrong with this ordinance?

This ordinance takes away the independence of the Parks and Recreation Department by including it in the Division of Community Services. We oppose this move for the following reasons:

(1) It places the Parks and Recreation Department in a position susceptible to political patronage or influence. Political favoritism should not play a role in determining park policy.

(2) It eliminates the effectiveness of continuity in long-range planning because of the potential change of personnel and commitment in the political cycle every four years. Park planning should be done for the benefit of future generations and not just for current political enhancement.

(3) It erodes public trust. Private sector financial and volunteer support will diminish or cease.

(a) Millions of dollars and acres of park lands have been donated by individuals, corporations, trusts, foundations, service clubs, sororities, schools, neighborhood associations, and many others, because they trust the independent system that has been in effect since 1905.

(b) Major capital improvements that have been donated by the private sector include the Botanical Conservatory, Children's Zoo and African Veldt, Freimann Square, Shoaff Park, McMillen Park, McMillen Ice Rink, McMillen Tennis Courts, Foellinger Outdoor Theatre, Swinney Park, Vesey Park, Kettler Park, portions of Franke and Foster Parks, Foster Park Par Course, Tillman Park Ball Diamond Complex, McMillen Golf Course, McMillen Pool, various pavillions, playground equipment, permanent maintenance endowments for Freimann Square, Botanical Conservatory and Foellinger Outdoor Theatre.

(c) Over half of the land and park facilities have been donated at no cost to the taxpayer.

Who opposes this ordinance?

Fort Wayne Park Foundation, Fort Wayne Corporate Council, Fort Wayne Zoological Society, Baseball-Softball Commission, Johnny Appleseed Festival Board, Day Camp Advisory Committee, Botanical Conservatory Volunteers, Old Fort Settlers, Lincoln National Corporation, private contributors and many park system users.

What can you do?

Call your council member and express your concerns. Common Council members are:

1st District	Charles Redd	456-4356
2nd District	Donald Schmidt	483-0374
3rd District	Thomas Henry	424-2545
4th District	Ben Eisbart	432-6997
5th District	Mark GiaQuinta	744-4793
6th District	James Stier	447-4491
Council-at-large members	Janet Bradbury	493-1492
	Paul Burns	744-5154
	Sam Talarico	484-5397

Or write a letter to the editors of the News-Sentinel and Journal-Gazette, 600 W. Main St., Fort Wayne, IN 46802.

APPEARANCE BEFORE COMMON COUNCIL

BILL NO. G-84-01-21 -- RODEO

TUESDAY, FEBRUARY 7, 1984

1. Sharon Lapp
2. Bob Tenbarger - representing the coliseum
3. Isabelle Romy
4. Dr. L.A. Ackerman
5. Steven Putmann
6. Rod Hale

APPEARANCE BEFORE COMMON COUNCIL

BILL NO. G-84-01-20 -- REORGANIZATION

TUESDAY, FEBRUARY 7, 1984

1. Richard D. Sloan
2. Tom Dustin
3. Jane Dustin
4. Susan Till
5. Ethel Block
6. John McMillen
7. Mary Schnieder
8. Representative of the Psi Iota Xi Chapter
9. Tom Shoaff
10. John Shoaff
11. Sharon Lapp
12. Joe-Kimmell Steve Hazelrigg
13. Cory-Randall John McKenna
14. William Sowers
15. Thomas Quirk
16. Eleanor Marine
17. Audrey Sharp (former Park Board Commissioner)
18. Lenna Kiernaier
19. Dee Smith
20. Nadine Gibson -- Irvington Community Neighborhood Association
21. Judy Zehner
22. John Grantham -- President of Wildcat Baseball
23. James Barrett
24. Red Carrington
25. Dr. David Fairchild
26. Mitchell Rice
27. Gay Schmidt
28. Ernie Williams
29. David Kiester